

010204
16523 US PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
32/1198US(3)Total Pages in this Submission
4TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

22390 U.S. PTO
10/750789
010204**Lenticular Refractive Surgery of Presbyopia, Other Refractive Errors, and Cataract Retardation**

and invented by:

Raymond Myers
Ronald KruegerIf a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09/897,585

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09/312,518

Which is a:

Continuation Divisional Continuation-in-part (CIP) of prior application No.: 08/821,903

Enclosed are:

Application Elements

1. Filing fee as calculated and transmitted as described below
2. Specification having 48 pages and including the following:

- a. Descriptive Title of the Invention
- b. Cross References to Related Applications (*if applicable*)
- c. Statement Regarding Federally-sponsored Research/Development (*if applicable*)
- d. Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
- e. Background of the Invention
- f. Brief Summary of the Invention
- g. Brief Description of the Drawings (*if filed*)
- h. Detailed Description
- i. Claim(s) as Classified Below
- j. Abstract of the Disclosure

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4

Application Elements (Continued)

3. Drawing(s) (when necessary as prescribed by 35 USC 113)
 - a. Formal Number of Sheets _____ 8
 - b. Informal Number of Sheets _____
4. Oath or Declaration
 - a. Newly executed (original or copy) Unexecuted
 - b. Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
 - c. With Power of Attorney Without Power of Attorney
 - d. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. Application Data Sheet (See 37 CFR 1.76)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
 - a. Computer Readable Form (CFR)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(B) Statement (when there is an assignee)
11. English Translation Document (if applicable)
12. Information Disclosure Statement/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. Certificate of Mailing
 First Class Express Mail (Specify Label No.): ER467895182US

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Accompanying Application Parts (Continued)

17. Applicant claims small entity status. See 37 CFR 1.27.

(Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. Additional Enclosures (*please identify below*):

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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(Small Entity)

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Total Pages in this Submission
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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	36	- 20 =	16	x \$9.00	\$144.00
Indep. Claims	4	- 3 =	1	x \$43.00	\$43.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				BASIC FEE	\$385.00
OTHER FEE (specify purpose)					\$0.00
				TOTAL FILING FEE	\$572.00

A check in the amount of _____ to cover the filing fee is enclosed.

The Director is hereby authorized to charge and credit Deposit Account No. _____ as described below.

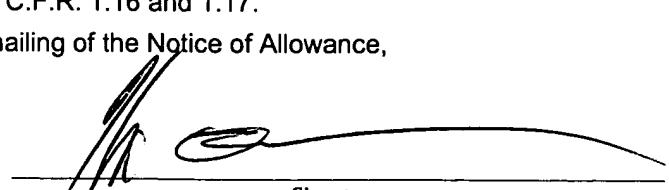
Charge the amount of _____ as filing fee.

Credit any overpayment.

Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: January 2, 2004



Signature

Kirk A. Damman
Lewis, Rice & Fingersh, LC
Box IP Department
500 North Broadway, Suite 2000
St. Louis, MO 63102

CC:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Meyers

Docket No.

32/1198US(2)

Serial No.
09/897,585Filing Date
June 29, 2001Examiner
D. ShayGroup Art Unit
3739Invention: **Correction of Presbyopia, Other Refractive Errors and Cataract Retardation**

I hereby certify that the following correspondence:

Extension of Time Under 37 CFR 1.136(a), PTO Credit Card Payment Form, Certificate of Express Mailing and acknowledgement p/c*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 2, 2004*(Date)*Angela D. Smith*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*ER467895182US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Raymond Myers and Ronald Krueger**

Docket No.

32/1198US(3)

Serial No.
TBAFiling Date
January 2, 2004Examiner
TBAGroup Art Unit
TBAInvention: **Lenticular Refractive Surgery of Presbyopia, Other Refractive Errors, and Cataract Retardation**

I hereby certify that the following correspondence:

Utility Patent Application (48 pgs, 8 drawing sheets), Utility Application Transmittal, Unexecuted Declaration, Certificate of Express Mailing and Acknowledgement p/c*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 2, 2004*(Date)***Angela D. Smith***(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)***ER467895182US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**